

**Resolution #TC-3009**

Approval of a Declaration of Excess Property  
for Parcel 36-BX, E-35AX  
US Highway 50 in Delta

**Approved by the Transportation Commission of Colorado on: August 16, 2012**

Project No: F 050-1(2)  
Parcel: 36-BX, E-35AX  
Location: US 50, Delta  
County: Delta

WHEREAS, the Colorado Department of Transportation acquired Parcel 36-B in 1972, as part of Project Number F 050-1(2) for an access road between US 50 and the Uncompahgre River; and

WHEREAS, the access road was never constructed and is now unimproved, excess Right of Way which has been labeled as Parcel 36-BX (1.40 acres); and

WHEREAS, the Colorado Department of Transportation acquired Parcel E-35A (0.007 acres) in 1972, as part of F 050-1(2) as an easement for a ditch and road drainage; and

WHEREAS, the City of Delta has and will continue to maintain the facilities located within E-35A; and

WHEREAS, the City's continued maintenance of the improvements in E-35A have rendered the easement excess to the Department's needs;

WHEREAS, and the easement has been labeled as E-35AX and;

WHEREAS, the City of Delta desires to acquire parcels 36-BX and E-35-AX to incorporate into adjoining property owned by the City; and

WHEREAS, the property will be appraised and sold to the City of Delta at fair market value in accordance with Colorado Revised Statute 43-1-210(5); and

WHEREAS, the Department of Transportation has declared through Timothy J. Harris, as Chief Engineer, that Parcels 36-BX and E-35-AX are no longer needed for highway purposes in the foreseeable future; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcels 36-BX and E-35-AX are no longer needed for highway purposes; and

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given authority to dispose of Parcels 36-BX and E-35-AX of Project F 050-1(2), as shown in Exhibit A and contained in the official, in accordance with Colorado Revised Statute 43-1-210(5) at its fair market value.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

Herman Stockinger III

Herman Stockinger, Secretary  
Transportation Commission of Colorado

8-22-12

Date